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JUN 17 2004
U. S. PATENT & TRADEMARK OFFICE
1254-0229P

IN THE U.S. PATENT AND TRADEMARK OFFICE

Applicant: Akio MATSUDA et al. Conf.: 6837
Appl. No.: 10/617,217 Group: 1631
Filed: July 11, 2003 Examiner: BORIN, M.L.
For: NF- κ B ACTIVATING GENE

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JUN 17 2004
U. S. PATENT & TRADEMARK OFFICE
INFORMATION DISCLOSURE STATEMENT
(SUBMISSION AFTER FILING OF AN APPLICATION
BUT BEFORE FINAL REJECTION OR NOTICE OF ALLOWANCE
OR CONCURRENTLY WITH A RULE 1.114 RCE APPLICATION)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

June 17, 2004

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO-1449(s), attached hereto.

II. COPIES (check at least one box)

a. This application was filed before June 30, 2003. Accordingly, submitted herewith is a legible copy of (i) each U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.

b. This application was filed on or after June 30, 2003. Accordingly, copies of cited U.S. patents and patent application publications therefore are not included. Copies of foreign patent documents and non-patent literature are included.

c. Some or all of the documents listed on the PTO-1449 are not enclosed because they were cited in the International Search Report and copies should already be in the PTO file. If copies are needed, please contact the undersigned.

III. CONCISE EXPLANATION OF THE RELEVANCE
(check at least one box)

a. **DOCUMENTS IN THE ENGLISH LANGUAGE**

The patents, publications, or other information listed on the attached PTO 1449 are in the English language and therefore, do not require a statement of relevancy.

b. **DOCUMENTS NOT IN THE ENGLISH LANGUAGE**

A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows:

c. **ENGLISH LANGUAGE SEARCH REPORT**

An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(III)(A)(3).

d. **OTHER**

The following additional information is provided for the Examiner's consideration.

WO 98/46757 and XP002275355 (Database Uniprot online, database accession no. Q9UNZ3) were cited in the enclosed European Search Report for the corresponding foreign application.

FEES

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b) :
(check one box)

a. within three months of the filing date of a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required. (This section is not to be used with RCE's.)

b. within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or statement is required.

c. concurrently with the filing of a Request for Continued Examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.

d. before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required.
In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) below, or, if no statement has been made, charge our deposit account in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c) :
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c)(1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c)(2)).

a. No statement; therefore, a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).
or

b. See the statement below. No fee is required.

VI. STATEMENT UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby states that

- a. each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than 30 days prior to the filing of this IDS; or
- b. each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- c. no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.
- d. Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VII. PAYMENT OF FEES (check one box)

- A check in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p) is enclosed for the above-identified fee.
- Please charge Deposit Account No. 02-2448 in the amount required by 37 C.F.R. § 1.17(p) for the above-identified fee. A triplicate copy of this paper is attached.
- No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-2448.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By M.J.N.
Mark J. Nuell, #36,623

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1254-0229P

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Attachment(s) : PTO-1449
 Documents
 Foreign Search Report
 Fee
 Other:

(Rev. 05/14/2004)

Form PTO-1449

ATTY DOCKET NO.
1254-0229PAPPLICATION NO.
10/617,217INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

(Use several sheets if necessary)

APPLICANT
Akio MATSUDA et al.FILING DATE
July 11, 2003GROUP
1631

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	Kind	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
CIPE	US 5,872,237		1999-02-16	Feder et al.			
	US						
17 JAN 2004	US						
	US						

FOREIGN PATENT DOCUMENTS

	Office	DOCUMENT NUMBER	Kind	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
								YES	NO
-	WO	00/59933	A2	2000-10-12	WIPO				
1	WO	97/18825	A1	1997-05-29	WIPO				
1	WO	98/50550	A1	1998-11-12	WIPO				
1	WO	00/04140	A1	2000-01-27	WIPO				
1	WO	00/55174	A1	2000-09-21	WIPO				
1	WO	98/14466	A1	1998-04-09	WIPO				
1	WO	00/55351	A1	2000-09-21	WIPO				
1	WO	00/55350	A1	2000-09-21	WIPO				
1	WO	98/46757	A2	1998-10-22	WIPO				

OTHER DOCUMENTS (Include Name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.)

1	Nagase et al., DNA Research 6, 63-70 (1999)
1	Hirosawa et al., DNA Research 6, 329-336 (1999)
1	Nagase et al., DNA Research 5, 277-286 (1998)
1	Nagase et al., DNA Research 6, 337-345 (1999)
1	Ruddy et al., Genome Research, 7(5), 441-456 (1997)
1	Faber et al., Human Molecular Genetics, 7(9) 1463-1474 (1998)
	DATABASE UNIPROT ONLINE, Database accession no. Q9UNZ3, XP002275355, 13 May 2000.

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.